

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA  
FORT LAUDERDALE DIVISION

CASE NO.: \_\_\_\_\_

MOHAMMAD RAHAMAN,

Plaintiff,

vs.

MT. HAWLEY INSURANCE COMPANY,

Defendants.

\_\_\_\_\_/

**DEFENDANT'S NOTICE OF REMOVAL**

Defendant Mt. Hawley Insurance Company ("Mt. Hawley" or "Defendant"), by and through undersigned counsel, hereby files this Notice of Removal of this action from the Circuit Court of the 17th Judicial Circuit in and for Broward County, Florida to the United States District Court for the Southern District of Florida, Fort Lauderdale Division, the district and division in which the 11th Judicial Circuit is located. This Notice of Removal is filed pursuant to 28 U.S.C. §§1441 and 1446. In support hereof, Mt. Hawley respectfully shows:

1. On July 20, 2023, Mohammad Rahaman ("Plaintiff") commenced an action against Defendant in the 17th Judicial Circuit in and for Broward County, Florida, entitled *Mohammad Rahaman v. Mt. Hawley Insurance Company*, pending as Case No. CACE-23-015917 (the "State Court Case"). See **Exhibit "B."**

2. On August 17, 2023, Mt. Hawley's registered agent was served with the Summons and Complaint in the State Court Case. As such, removal is timely because thirty days have not elapsed since Mt. Hawley first received Plaintiff's Complaint, as required by 28 U.S.C. §1446(b).

3. A copy of this Notice of Removal will be filed with the State of Florida Circuit Court in Broward County, and a copy of this Notice of Removal will also be served on Plaintiff.

4. Copies of all processes, pleadings, orders signed by the state court judge, a copy of the state court docket sheet, a complete list of all counsel of record, together with an index of such documents are attached hereto as **Exhibits A – F** as follows:

**Exhibit A** An index of matters being filed;

**Exhibit B** All pleadings asserting causes of action and answers thereto;

**Exhibit C** All executed process in the State Court Case;

**Exhibit D** State Court Case docket sheet;

**Composite**

**Exhibit E** Plaintiff's four estimates of damages totaling \$153,617.00;

**Exhibit F** List of all counsel of record and contact information.

5. Plaintiff has requested a trial by jury in the State Court Case.

6. Defendant has filed contemporaneously with this Notice a civil cover sheet.

**Basis for Removal: Diversity**

7. This Court has original jurisdiction over this case pursuant to 28 U.S.C. §1332, in that this is a civil action where the matter in controversy exceeds \$75,000, and is between citizens of different States.

**A. The amount in controversy exceeds the federal minimum jurisdictional requirements.**

8. Plaintiff's Complaint in the State Court Case asserts that the subject property is located at 3701 NW 79th Way, Hollywood, Florida 33024, which was insured under a commercial insurance policy issued by Mt. Hawley, Policy No. GPK0025471 (the "Policy"). See **Exhibit B**, Compl. at ¶ 3. Plaintiff's Complaint contends, in part, that "Plaintiff suffered a loss during the policy period to the risk property listed on the declarations of coverages page of the related policy in the form of a roof leak caused by a covered peril in such a fashion as to cause substantial damage to the risk property..." *Id.* at ¶ 7. Plaintiff's Complaint further alleges that Mt. Hawley "breached the

insurance contract, including but not limited to the Loss Payment and Loss Settlement conditions of the contract, as a result of the Defendant's failure to pay sufficient funds to Plaintiff to restore the covered property to its pre-loss condition.” *Id.* at ¶ 18. Further, Plaintiff alleges that Mt. Hawley’s breach “resulted in damages to the Plaintiff in at least the amount in controversy alleged above due to Plaintiff.” *Id.* at ¶ 20. Plaintiff also seeks recovery of attorney’s fees and costs pursuant to Fla. Stat. §627.428, §627.70152(8) and/or §626.9373. *Id.* at ¶ 21.

9. Before suit was filed, Plaintiff provided Defendant four estimates of damages for which recovery is sought, which total \$153,617.00. *See Composite Exhibit E.*

10. Accordingly, while Mt. Hawley denies that Plaintiff’s claimed amount is covered under the Policy, the amount in dispute exceeds \$75,000, exclusive of interest and costs.

**B. There is complete diversity between Plaintiff and Defendants.**

11. Plaintiff Mohammad Rahaman is an individual who at the time of the filing of this action, and at all times since, has resided in Broward County, Florida. Accordingly, Plaintiff is a citizen of the State of Florida for purposes of determining diversity jurisdiction.

12. Defendant Mt. Hawley is a corporation organized under the laws of Illinois, with its principal place of business in Illinois. Accordingly, Mt. Hawley is a citizen of the State of Illinois for purposes of determining diversity jurisdiction.

13. Complete diversity exists in this case and removal is proper because Plaintiff is a citizen of Florida and Defendant Mt. Hawley is a citizen of Illinois.

WHEREFORE, Defendant Mt. Hawley Insurance Company prays that the above-described action now pending in the Circuit Court of the 17th Judicial Circuit in and for Broward County, Florida, be removed to this Court.

Respectfully submitted,

/s/ Marcus G. Mahfood

Marcus G. Mahfood [FBN: 41495]

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***Attorney for Defendant***

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the above and foregoing instrument is being served upon counsel for Plaintiff in accordance with the Federal Rules of Civil Procedure and the Court's CM/ECF System, on this 15th day of September, 2023.

/s/ Marcus G. Mahfood

Marcus G. Mahfood